

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MADISON**May 12, 2008 - 7 p.m.****Call to Order**

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 12th day of May 2008. Mayor Holden called the meeting to order at 7 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

Statement in Compliance with the Open Public Meetings Act

The Borough Clerk read the statement pursuant to the Open Public Meetings Act:

"In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 4, 2008. Notice of this meeting was made available to members of the general public."

Roll Call

The Borough Clerk called the roll and the following acknowledged their presence:

Mayor Mary-Anna Holden

Council Members:

Astri J. Baillie
Carmela Vitale

John M. Elias

Robert H. Conley

Jeannie Tsukamoto

Vincent A. Esposito

Also Present:

Raymond M. Codey, Borough Administrator

Marilyn Schaefer, Borough Clerk

Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

Three Potential Litigation Matters and one Contract Matter were added to the Executive Session.

Reading of Closed Session Resolution

Mr. Conley moved:

RESOLVED, that the meeting be adjourned to an Executive Session to consider the following matters:

EXECUTIVE SESSION MINUTES (1)

Executive Minutes of 4/28/2008

Date of public disclosure 60 days after conclusion, if disclosure required.

CONTRACT MATTERS (3)

Borough Telephone System

Telco/Data Wiring at Bayley Ellard Building

HDM Update

Date of public disclosure 60 days after conclusion, if disclosure required.

PERSONNEL MATTERS (3)

Madison Main Street Executive Director

Confidential Assistant to the Chief Financial Officer and Personnel Officer

Joint Municipal Tax Assessor

Date of public disclosure 90 days after conclusion, if disclosure required.

LITIGATION MATTER (1)

Combe Landfill

Date of public disclosure 60 days after conclusion, if disclosure required.

POTENTIAL LITIGATION MATTERS (3)

Tree Ordinance

Cougar Field

Madison/Florham Park issue

Date of public disclosure 60 days after conclusion, if disclosure required.

Seconded: Mrs. Vitale

Vote: Approved by unanimous voice vote

Reconvene in Council Chamber

Mayor Holden reconvened the Regular Meeting at 8 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

Proclamations:

Mayor Holden announced the following Proclamations:

National Women’s Health Week – Presented to Board of Health Chair Louis P. DeBiasse, DMD

National Public Works Week, May 18 – May 24, 2008 – Presented to Superintendent of Public Works David Maines

National Historic Preservation Month, May 2008 – Accepted by Mr. Elias on behalf of the Historic Preservation Commission

Myasthenia Gravis Awareness Month, June 2008 – Mailed to the local chapter of the Myasthenia Gravis Foundation of America, Inc.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of April 28, 2008**. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias, Mr. Conley, Mrs. Tsukamoto

Nays: None

Abstain: Dr. Esposito

Ms. Baillie moved approval of the **Regular Meeting Minutes of April 28, 2008**, with the following amendments:

Page 12, first paragraph, during the Hearing on Ordinance 20-2008:

Ms. Baillie gave the background as to why the Gateway Ordinance was drawn up. That area is surrounded by residential streets, and a new ordinance was needed to guide development which would enhance the quality of life of the surrounding area. Mr. Mezzacca ~~commented stated that any properties there now have existing uses on individual lots are grandfathered, and the buildings are grandfathered; it can be sold for an office use and continue to be used; if an office wanted to sell for retail, that would require a variance and would have to be put before the Zoning Board. A professional office use can continue the same use. If an office use wanted to sell or convert for retail, then a variance would be required.~~

Page 12, fifth paragraph:

.....Mr. Mezzacca’s comments included that the definitions in the ordinance could be made more specific as to

retail trade as opposed to retail service; banks ~~should~~ could be included in the ordinance, but drive-through banks would be a non-conforming use; the Planning Board should probably give an answer on that. Ms. Baillie will bring this back to the Planning Board.

.....

Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias, Mr. Conley, Mrs. Tsukamoto

Nays: None

Abstain: Dr. Esposito

REPORTS OF COMMITTEES

Finance and Borough Clerk

Ms. Baillie, Chair of the Committee, made the following comments:

Madison is participating in a Regional Traffic Study, which will assess the development of the Jets site and the former ExxonMobil site off Park Avenue in Florham Park; the Morris County Department of Planning is coordinating this effort with Madison and neighboring communities; the Louis Berger Group, the consultant selected for the Regional Traffic Study, held a stakeholders meeting on Friday, May 9, 2008, which the Mayor and Ms. Baillie attended. A first draft will be ready in October.

Public Safety

Mrs. Vitale, Chair of the Committee, made the following comments:

On Saturday, May 17, 2008, the Morris County Historic Preservation Trust Fund will be conducting a site visit of the Hartley Dodge Memorial; the Borough has applied for a \$430,000 grant to be used toward the renovation of the Hartley Dodge Memorial; this grant money will supplement the \$660,000 the Borough has already received from the New Jersey Historic Trust for the renovation.

The Police and Fire Departments are making progress in their move to 62 Kings Road, the address of the new Public Safety Building. An Open House is being planned, hopefully for June 14, 2008, which is Flag Day. Details and a time will be announced. If the public has any police business at this time, they may go to the new dispatch desk at the Public Safety Building. Parking for the public is designated in the parking lot on Kings Road.

Mrs. Vitale was pleased to announce that a plan that began about four years ago has been realized—residents may pay their property taxes on line by going to <http://www.rosenet.org/gov> and click on the link "Pay Property Taxes" at no fee to users; the next step anticipated is to have water and electric payments on line.

Public Works and Engineering

Mr. Elias, Chair of the Committee, made the following comments:

It seems fitting that the Public Works Department be thanked for their part in the success of May Day; special compliments were given to Superintendent of Public Works David Maines and his crew for all the preparation for May Day, for the work they performed on May Day itself, and after the fact in final cleanup.

On a second and unrelated note, and probably why many residents are here at this meeting, is in connection with the tree ordinance; Mr. Elias commented in detail and his comments included that the Council has gone round and round on this issue for several months now and, in the past several weeks, the Council and the Shade Tree Management Board have heard the debate and tried to integrate the public's thinking into the ordinance. At the same time as the Council has tried to do that, we as a body have been very concerned at the level of the debate; Mr. Elias was very bothered by the level of misinformation that has been in the dialogue, which has created such a profound disagreement and division within the community; what started with the best of intentions has become extremely divisive; Mr. Elias felt that more time is needed to educate the public on this issue; Mr. Elias thanked the Shade Tree Management Board (STMB) for their diligence in trying to make adoption of a tree ordinance happen. The hope was to get a revised ordinance on the floor for a debate, but this process has been lost; therefore, the revised tree ordinance scheduled for introduction at this meeting is withdrawn indefinitely. The second reading on the original ordinance will also be withdrawn, so there will not be a hearing or first reading tonight on the tree ordinance; Mr. Elias felt, in the long run, Madison does need a tree protection ordinance.

Utilities

Mr. Conley, Chair of the Committee, made the following comments:

Mr. Conley followed up on some of Mr. Elias' comments. The proposed tree ordinance created a lot of passion on both sides. Mr. Conley suggested that, since the tree ordinance has been withdrawn, the Mayor and Council will not take it as an insult if those residents here tonight in that regard leave early. Hopefully there will be work in the coming months to come up with an ordinance that makes everyone happy.

As to the Electric Utility, Mr. Conley commented that with very hard work by Chief Financial Officer Robert Kalafut, the Public Power Association has been addressing the purchase power contract which ends in May 2009; we are looking toward a "managed" contract; the rates will not be going

down, and Madison will be seeing that in the coming years.

Health & Public Assistance

Mrs. Tsukamoto, Chair of the Committee, made the following comments:

Regarding the tree ordinance, Mrs. Tsukamoto does feel very deeply about the environment, and she will plant a hardwood tree in her yard and encouraged Council Members and the public to do the same.

Community Affairs

Dr. Esposito, Chair of the Committee, no report.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

05/05/2008 from John K. Fetterly, Esq., of Maple Avenue regarding third Historic District in Madison against creating a third district imposed by the Borough upon private homeowners and aware of numerous potentially impacted homeowners who feel the same way, requesting that homeowners in the proposed areas receive real and adequate notice from the Borough of any proposed actions affecting their property.

05/06/2008 from Steve and Marybeth Eckhardt of Maple Avenue asking for an open and fair debate on the matter of making Maple Avenue an historic district; affected residents have not been notified and there has not been a formal public hearing.

05/07/2008 from Allan Eldridge re commuter parking complaint with growing frustration because, as a resident, pays \$400/yr for a commuter parking permit when normally four out of five days there are no legitimate parking spaces to be found resulting in missed trains, parking ticket and, just a couple of weeks ago, an accident.

05/09/2008 from Chris McCormick of Maple Avenue asking for a fair and open hearing on the issue of establishing a Historic District on Prospect/Green/Maple – is against establishing this Historic District.

05/08/2008 from Tom Abruzzo of Maple Avenue opposed to any consideration of a Historical District for the Prospect/Maple/Green area.

05/10/2008 from Thomas Driscoll advising that the Chatham Lighting proposal is moving ahead—Monday night Board of Ed Meeting.

05/12/2008 from Pat Rowe with a question re Tree Ordinance—asking how much does the Borough Council estimate it will cost to defend a challenge to the Tree Ordinance – What has Jackson spent defending their Tree Ordinance?

In Support of Tree Ordinance

05/12/2008 Jocelyn Colquhoun of Barnsdale Road in support of the Tree Ordinance

05/12/2008 Kathleen R. Smith of Green Hill Road in support of the Tree Ordinance

05/11/2008 Sarah Mercuri of Main Street in support of the Tree Ordinance

05/11/2008 Ginny Campion of Woodland Road in support of the Tree Ordinance

05/10/2008 Judy Kroll of Lauren Way in support of the Tree Ordinance

05/09/2008 Sylvia and David Luber in support of the Tree Ordinance

05/09/2008 Claire Whitcomb of Fairwood Road in support of the Tree Ordinance

05/09/2008 Ben and Lois Wolkowitz of Dellwood Drive in support of the Tree Ordinance

05/09/2008 Barbara Moran of Green Village Road in support of the Tree Ordinance

05/09/2008 Tom Piskula in support of the Tree Ordinance

05/09/2008 Mireille Bessin of Morris Place in support of the Tree Ordinance

05/09/2008 Mary Ellen Lenahan, not yet a resident, in support of the Tree Ordinance

05/09/2008 Lauren Hagerstrom in support of the Tree Ordinance

05/08/2008 Tom Lewis of Cross Gates Road in support of the Tree Ordinance

05/08/2008 Sara Webb in support of the Tree Ordinance

05/08/2008 Judy Mullins of Rosedale Avenue in support of a Tree Ordinance

05/08/2008 Kathleen Johnson Caccavale of Central Avenue in support of a Tree Ordinance

05/08/2008 Karen Jones of Hoyt Street in support of the Tree Ordinance

05/08/2008 Kathryn Sena of Valevue Road in support of the Tree Ordinance

05/08/2008 Sara Webb in support of the Tree Ordinance

05/08/2008 Christine Hammitt of Knollwood Avenue in support of the Tree Ordinance

05/08/2008 Dorothy Wilson and David Johnson of Prospect Street and Doctors Robert and Vivian Bull of Prospect Street in support of the Tree Ordinance

05/07/2008 Jack Kranefuss of Longview Avenue in support of the Tree Ordinance

05/07/2008 Christine Hammitt of Knollwood Avenue in support of the Tree Ordinance

05/07/2008 Walter and Gerrie Kupper of Barnsdale Road in support of a Tree Ordinance

In Opposition to Tree Ordinance

05/12/2008 Petition against private property Tree Ordinance includes 377 signatures of Madison residents, 21 pages, stating "We, the undersigned, are OPPOSED to the adoption of the Shade Tree Management Board's proposed Tree Ordinance amending the Code of the Borough of Madison to add a new Chapter 178 entitled "Preservation, Protection, Maintenance and Removal of Nonborough Trees" giving the borough control over trees on private property.

05/12/2008 Dan McAloon, corner of Green & Midwood, opposing Tree Ordinance

05/12/2008 Barbara and Bill Killeen of Hillcrest Road opposing the Tree Ordinance

05/12/2008 Sharon Green of Green Avenue opposing the Tree Ordinance

05/12/2008 Sam Mantone of West Lane opposing the Tree Ordinance

05/12/2008 Steven and Fiona Matthews of Midwood Terrace opposing the Tree Ordinance

05/12/2008 Carol Bennett opposing the Tree Ordinance

05/11/2008 Joseph and Florence DeMarzo of Westerly Avenue opposing the Tree Ordinance

05/11/2008 Samuel DeMarzo, Teresa DeMarzo, Samuel DeMarzo, Jr., Joseph DeMarzo, Christine DeMarzo of Ridgedale Avenue opposing the Tree Ordinance

05/11/2008 Kim A. Rowe of Pine Avenue opposing the Tree Ordinance

05/10/2008 John and Lou Ann Gregory of Nordling Lane opposing a Tree Ordinance

05/08/2008 Tim & Clare Carmichael of Tracy Lane opposing the Tree Ordinance

05/07/2008 Peter & Marjorie Lillard of Woodland Road opposing the Tree Ordinance

05/06/2008 Jerry Stevenson opposing the proposed Tree Ordinance

05/06/2008 Anthony and Elizabeth Vacchiano of Green Avenue opposing the Tree Ordinance

05/06/2008 Joseph Chiarolanzio of Garfield Avenue opposing the Tree Ordinance

05/04/2008 Doctor and Mrs. Martin Hannon opposing the Tree Ordinance

04/30/2008 William E. Gowski of Dellwood Drive opposing the Tree Ordinance

04/28/2008 Kathy McCormick of Midwood Terrace opposing the Tree Ordinance

04/28/2008 Bill and Barbara Kennard of Green Avenue opposing the Tree Ordinance

04/28/2008 Valerie Granet opposing the Tree Ordinance

BUDGET HEARING

R 133-2008 RESOLUTION OF THE BOROUGH OF MADISON FINALLY ADOPTING THE 2008 BUDGET AND TAX RESOLUTION

Ms. Baillie moved adoption of R 133-2008; Mr. Elias seconded the motion. Mayor Holden opened up the hearing on the 2008 Budget and asked if anyone wished to be heard.

Jerry Stevenson, Ardsleigh Drive, feels that Council has worked hard on the 2008 budget, but believes they could have worked harder. Mr. Stevenson had about four questions for Mr. Kalafut concerning figures contained in certain budget sheets in the Budget Document, which Mr. Kalafut answered; in particular, Mr. Stevenson felt that if anticipated revenues were accurately reflected, a tax increase in this budget would not be necessary; therefore, Mr. Stevenson recommended that the Council vote against adoption of this budget.

Mr. Kalafut was recognized by the Chair and spoke about municipal sources of revenue, which includes fees and permits, interest on deposits and cell tower leases, which fall in the revenue category of non-taxable revenue sources.

To answer Mr. Stevenson's question as to why 2008 anticipated revenue is less than revenue realized in 2007, Mr. Kalafut commented that there are five municipal sources of revenue (1) non-taxable municipal sources; (2) state aid and grants; (3) Electric Utility surplus; (4) municipal surplus and (5) property taxes. For every dollar increase in municipal sources, municipal surplus is decreased and not available for reducing taxes in the next year; the 2008 Budget contains the largest amount of surplus ever transferred to the Budget in its history to keep taxes down. If all municipal sources were taken to the highest level, less municipal surplus would be generated to be used to reduce taxes.

Don Links, Shadylawn Drive, had questions as to why anticipated revenues have not been more accurately reflected in the Budget; he feels the approach to forecasting revenues should be examined; there is an opportunity to make last-minute adjustments before the vote on the Budget; Mr. Links hopes Council does so because of what he feels is a gross underestimation of revenue.

Dave Evans, Municipal Auditor, was recognized by the Chair and commented that in New Jersey there are two basic ways to recognize fund balance, which is accumulated savings, and anticipated revenue; one recognizes that you should anticipate all the revenue that you think you are going to get throughout the year and balance them with the expenses; the other says I am going to take my accumulated savings to balance the budget and then I am going to look at anticipated revenue and anticipate less than what I am going to make to recognize I have taken money out of my savings so I then need to replenish that money into savings; Madison has taken the approach that they are going to use accumulated savings every year to balance the budget and thereby not anticipate the full amount of revenue which they could. It is Mr. Evans' understanding that the only increase in local taxes that Madison has seen this year was caused by decreases in state aid and increases in mandated pension costs. The local taxes are not going up at all for any costs that this Governing Body has. If we use too much surplus and bring the revenues up to the maximum, it looks great for one year; then the next year there is a problem; there is no replenishment of surplus.

Mr. Evans gave a summary of the history of rules governing New Jersey budgets.

Mr. Codey was recognized by the Chair. In answer to questions posed by Mr. Codey, Mr. Evans confirmed that Madison is one of eight municipalities in New Jersey with a AAA rating; in terms of the two electric rate increases of 9% each for Madison residents, the actual cost increase to Madison of electricity under the purchase power contract was 108%, and this Governing Body chose not to pass this dramatic rate increase on to residents; after the state cut aid to Madison of \$177,000.00, this Governing Body decided to use an additional portion of surplus rather than pass that on to residents in the form of a tax increase; as to the tax levy cap, Madison is probably the only municipality in New Jersey that is taxing under the cap, the amount to which the State says you can raise taxes; the Borough of Madison is the collection agent for the school, which generates approximately 60% of Madison residents' tax bills, but has no control over their expenditures; the County portion of Madison residents' tax bills represents approximately 16%. The only control the Borough has is over the Borough's 24% of the municipal tax bill.

Since no other member of the public wished to be heard, and there was no further Council comment on the Budget, the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared the 2008 Budget adopted and passed and asked the Borough Clerk to post and file the 2008 Budget document as required by law.

ANNOUNCEMENTS

Mayor Holden took this opportunity to make some announcements usually done earlier in the meeting:

Employee Anniversaries

Captain Louie DeRosa, Madison Fire Department - 25 Years on May 11, 2008

Linda Durney, Welfare Director - 25 Years on May 28, 2008

Employees of Month for the Month of May

Mary Bednarick and Donna Carey were selected for the significant hours they have worked in the absence of Frank Piccolo during the month of

April and the excellent service provided to residents.

Condolences were given to Captain DeRosa, whose mother passed away this past weekend.

INVITATION FOR DISCUSSION (1 of 2)

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments. The Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. He/she shall limit his/her statement to three (3) minutes or less.

Kevin Williams, Rosedale Avenue, employee of the Madison Fire Department, commented that this is probably the last Council meeting prior to the Fire Department moving into the new building, and he thought it appropriate to thank the Mayor and Council for all of their efforts and planning, design and construction of their new headquarters, which will allow them to increase efficiency and provide a greatly improved day-to-day working environment.

Tom Lewis, Cross Gates Road, was disappointed that the tree ordinance is withdrawn; Mr. Lewis spoke of rights and responsibilities; he spoke of his difficult experience with a neighbor whose house was knocked down along with the trees before a new home was built.

Judy Kroll, Laurel Way, asked what the "go-forward" plan with the tree ordinance is—either reintroducing the ordinance or changing it.

Mayor Holden commented that per Mr. Elias' statement early in the meeting, there is a need to pull back, regroup, and there is a need for further discussion.

Mr. Elias was recognized by the Chair and stated that he firmly believes that Madison needs the tree ordinance and that an education process must be undertaken to erase the doubt in people's minds so they have a comfort level; Mr. Elias further commented that he will go back to the Shade Tree Management Board and share what has happened; some kind of plan will be developed with the community at large so that rights and responsibilities are balanced. There is no time line on what it will take.

Mary Smith, Chatham Road, was pleased about the decision tonight; thanked the STMB, Mr. Lewis for his comments, and Council's work on the ordinance; one problem she sees with the ordinance is that the 50% rule, page five, is a weakness and will not prevent what Mr. Lewis experienced. To educate and include the community is a good decision.

Jim McCloskey, Dean Street, was a volunteer with the Madison Fire Department for 25 years; through the efforts of the career division, volunteers were trained, worked hard and played hard; he met a lot of great men and their families and children; they had many social events; they were here to serve Madison; Mr. McCloskey is a member of the Exempt group now.

Christine Hepburn, Glenwild Road, commented that the forces against the tree ordinance have won the day; expressed sadness for the time of the Mayor, Council and STMB which was used in trying to get the ordinance accepted.

Dave Carver, Belleau Avenue, expressed his joy at living where he does, surrounded by trees; he sees trees go down in storms, but they are never replaced; the ordinance in question was about private trees; he was concerned with the loss of trees in public areas and asked that Madison spend time on taking care of the public trees; in conclusion, he asked that Council take care of "our" trees and he will take care of "his" trees.

Sam DeMarzo, Ridgedale Avenue, expanded on what Mr. Carver had to say about public trees; there are 60 acres behind Mr. DeMarzo's property in Madison and there was tremendous tree damage during storms in the past throughout the woods and in other woods in town; this is something that should be ongoing where public lands and parks are examined and dangerous trees removed.

Mr. DeMarzo, who is a builder, explained the tree removal at a certain property for which he was criticized; about a 43" tree on East Lane that was removed, one tree was in the building envelope; the other one was a twin silver beech which was tied together by cable; that was a danger; he just wanted to clarify that there were no significant trees removed unnecessarily.

Joshua Roth, Glenwild Road, came tonight in favor of the tree ordinance; was sorry it was removed from the agenda; agreed with Mr. Elias' statements that further education is needed as to what the tree ordinance is all about. There has been a lot of discussion about the ordinance as to aesthetics, but Mr. Roth felt the need for the ordinance goes beyond aesthetics; it includes a need for clean air and conservation of water and soil; these are the issues that should be discussed in connection with a tree ordinance; this is a community issue, it is not our tree or their tree, it is how to deal with the environment. Mr. Roth spoke of the nature of trees, which live out their age and the older ones die, and specifically of hardwood trees; a hardwood tree of 18" diameter is approximately 100 to 105 years old. There is no way to get these trees back once they are gone.

Bob Garman, Dogwood Drive, said Madison lies in a large urban forest; the forest itself is an entity; to the Borough, Mr. Garman asked that the Borough carefully enforce the rules on themselves that are imposed on developers; to the developers, a number of developers try to preserve trees but need to be educated on the care of trees because trees die if, during construction, the integrity of the area around the roots is violated.

Sam Mantone, West Lane, thinks Council made the sensible decision; gave a personal experience; Mr. Mantone removed two trees on his property line for more sunlight and planting opportunities; that was his positive experience in taking down trees.

Since no other member of the public wished to be heard, the invitation for discussion was closed.

Agenda Discussions

05/12/2008-1 APPOINT HDM SPACE UTILIZATION COMMITTEE

Mayor Holden suggested that Council Members Baillie, Elias and Conley be appointed to that Committee; the Committee will discuss findings at Council meetings.

Carried to May 28, 2008 Meeting

05/12/2008-2 SEWER & WATER CONNECTION FEE COMPUTATION per NJSA 40A:31-11

Withdrawn

05/12/2008-3 DRAFT TREE ORDINANCE 42-2008

05/12/2008-4 RESOLUTION ACCEPTING DONATION FROM SAL PICCOLO

Mr. Piccolo wishes to donate three bicycle racks; Mayor Holden will give the information to Mr. Elias to take to the Parks Advisory Committee to decide where the racks should be installed.

05/12/2008-5 AWARD CONTRACT FOR 2008 WATER MAIN REPLACEMENT TO MATINA & SON, INC. OF HACKENSACK IN THE AMOUNT OF \$590,000.00 AND AUTHORIZE REBID FOR PINE TREE, DURWOOD, FLETCHER, NILES

Mr. Codey presented the information in the Borough Engineer's Agenda Recommendation requesting an award of 2008 contract for water main replacement to Matina & Son, Inc. of Hackensack in the amount of \$590,000 and to authorize rebid for Pine Tree Terrace, Durwood Place, Fletcher Place and Niles Avenue.

Council was in agreement to list R 137-2008 on the Consent Agenda.

05/12/2008-6 RESOLUTION AUTHORIZING THE FRIENDS OF THE MADISON PUBLIC LIBRARY TO HOLD TOUCH A TRUCK ON SATURDAY, AUGUST 2, 2008

Library Director Nancy Adamczyk presented the request and will return to the Council with more information as to overtime expenses and insurance issues connected with the event; it was suggested that information on the number of people anticipated for the event be reported to the Council.

Mr. Mezzacca commented that the Borough needs to consent to the use of Borough vehicles for the event. Resolution R 139-2008 was removed from the Consent Agenda.

05/12/2008-7 AWARD 2-YEAR CONTRACT FOR ELECTRIC LINE CLEARANCE TO NELSON TREE SERVICE INC OF DAYTON, OH

Electric Utility Superintendent Michael Piano recommended award of a two-year contract for electric line clearance to Nelson Tree Service Inc. of Dayton, Ohio. The electric line clearance is an annual project that is required to improve the electric distribution system safety and reliability. Two vendors picked up specs, but only one, Nelson Tree Service, provided a bid proposal of \$117.42 per hour (not to exceed a total of \$65,755.20 per year).

There was agreement to list Resolution R 138-2008 on the Consent Agenda for the above award.

05/12/2008-8 ACCEPT DONATION OF FURNITURE FROM GIRALDA ONE

Ms. Baillie moved approval of Mr. Codey's recommendation to accept a donation of furniture from Giralda One. Mrs. Vitale seconded the motion, which passed by voice vote.

A resolution will be listed on the May 28, 2008 Agenda.

Added to Agenda

05/12/2008-9 REQUEST TO APPROPRIATE FUNDS FROM THE GENERAL CAPITAL IMPROVEMENT FUND ACCOUNT CONTAINED WITHIN THE GENERAL CAPITAL FUND FOR SCANNING MACHINE TO DIAGNOSE MECHANICAL PROBLEMS FOR BOROUGH VEHICLES IN THE AMOUNT OF \$12,000.00

Superintendent of Public Works David Maines requested an appropriation of \$12,000.00 for a scanning machine to diagnose mechanical problems for Borough vehicles; training for use of the machine is included in the purchase.

Mr. Elias moved approval of Mr. Maines' request. Mrs. Vitale seconded the motion, which passed by voice vote.

Ordinance 44-2008 is listed for introduction later in the meeting.

INVITATION FOR DISCUSSION (2 of 2)

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments. The Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. ***He/she shall limit his/her statement to three (3) minutes or less.***

John Punola, Central Avenue, in a long statement, said that this is the first meeting he has attended; he lives next door to the Exxon property, which property contains a large number of deer; ticks are being transported by deer; a very good friend was infected by a tick after being on the former Exxon property; because this friend was not properly diagnosed, he is an invalid now. Mr. Punola's wife is a wildlife photographer and

spends a great deal of time in the yard; what concerns Mr. Punola is the large number of deer in his yard during the night. Mr. Punola asked for a deer management program in Madison; he volunteered his services in any way he could help in this matter.

Advertised Hearings

Mayor Holden called up ordinances for hearing and asked the Borough Clerk to read the ordinances by title.

Statement of Borough Clerk:

Ordinance 9-2008 was introduced by title and passed on first reading on February 25, 2008.

ORDINANCE 9-2008

AN ORDINANCE OF THE GOVERNING BODY OF THE BOROUGH OF MADISON AMENDING THE CODE OF THE BOROUGH OF MADISON TO ADD A NEW CHAPTER 178 ENTITLED "PRESERVATION, PROTECTION, MAINTENANCE AND REMOVAL OF NONBOROUGH TREES"

WHEREAS, the Governing Body of the Borough of Madison has determined that the preservation, maintenance and controlled removal of certain trees is essential to the health, safety, economy and general welfare of the Borough.

NOW, THEREFORE, be it ordained by the Governing Body of the Borough of Madison, County of Morris, State of New Jersey, as follows:

SECTION 1: The Code of the Borough of Madison is hereby amended to add a new Chapter 178, which shall read as follows:

"Chapter 178, Preservation, Protection, Maintenance and Removal of Nonborough Trees"

§178-1. Purpose.

It is recognized that there is a strong relationship among the integrity of the Borough's water resources, development on steep slopes, tree removal, soil disturbance, storm water management and the general use of the land resources; and a correlation between increased air pollution and high density residential, commercial or industrial uses. Therefore, the Borough finds that the appropriate management of these resources is an important health, safety and general welfare concern.

§178-2. Definitions.

The following words and expressions used in this Chapter shall have the following meanings, unless the context clearly indicates a different meaning:

BOROUGH TREE – A tree located on land owned by the Borough or which is located on a street, highway, public place, right-of-way, Borough easement, park or parkway or within the sidewalk lines.

CONSTRUCTION DISTURBANCE LINE - Construction Disturbance Line is that line on the property beyond which the natural grade and existing vegetation will not be disturbed by a construction project. It shall be indicated on a plan by a dashed line and shall include not only area around each structure's foundation but also clearing and grading required for driveway, power, water, sewer, communications, and other installations.

DRIPLINE- a line connecting the tips of the outermost branches of a tree projected vertically onto the ground.

LANDMARK TREE – Any tree designated and identified as such by the Shade Tree Management Board (STMB) of the Borough of Madison pursuant to the standards set forth in the General Code for the Borough of Madison Chapter 45-1.

NONBOROUGH TREE – Any tree other than a Borough tree as heretofore defined.

PROFESSIONAL ARBORIST – shall have the following qualifications:

1. Bachelor's degree in forestry, arboriculture or horticulture from an accredited college or university, or
2. Certification as a "Certified Tree Expert" (CTE) by the State of New Jersey, or
3. International Society of Arboriculture (ISA) Certified Arborist, and
4. A minimum of ten (10) years experience in the planting, care and maintenance of trees.

REPLACEMENT TREE - A nursery grown certified tree, properly balled, and marked with a durable label indicating genus, species and variety, and satisfying the standards for nursery stock and installation thereof, set forth by the American Association of Nurserymen and guaranteed for two growing seasons.

SIGNIFICANT TREE - Any tree, measured 4 ½ feet above the grade, with a circumference of 57 inches (a diameter of 18 inches) or greater, or any tree designated by the Shade Tree Management Board as a Landmark Tree and such other trees or species of tree as STMB may, from time to time designate as a Significant Tree.

TREE - Any deciduous or coniferous species which reaches a typical mature height of 12 feet or more and has a circumference, measured 4 ½ feet above the grade, of 19 inches (6 inches in diameter) or greater, up to a circumference of 57 inches (18 inches in diameter).

§178-3. Establishment of Consulting Municipal Arborist.

A "Consulting Municipal Arborist", shall be appointed by the Mayor and confirmed by the Council with the advice of the Shade Tree Management Board on an annual basis, with an agreed upon fee schedule. The Consulting Municipal Arborist shall be paid for any services authorized on behalf of the Borough in accordance with an annual fee schedule established with the Borough of Madison. The Consulting Municipal Arborist shall perform services for a property owner or developer in Madison upon request of the property owner or developer for the same rates set forth in the annual fee schedule, which shall be paid by the property owner or developer.

178-4. Responsibilities of the Consulting Municipal Arborist.

The Consulting Municipal Arborist or his designee shall be charged with site inspections, and providing advice to the Construction Official regarding administration and enforcement of the tree removal and protection requirements of this Chapter.

The Construction Official or his or her designee shall be charged with site inspections, administration and enforcement of the tree removal and protection requirements of this Chapter.

§178-5. Removal Restrictions

Subject to the exemptions set forth herein, no person shall remove, or cause to be removed, any tree which requires a permit pursuant to Section 178-6 hereof, upon any lands within the Borough, unless the cutting or removal is accomplished in accordance with the provisions of this Chapter.

§178-6. Tree Removal Permits.

A. Permit Required. A tree removal permit is required for any of the following:

- (1) Any removal or destruction of more than 50% of standing nonborough trees on a lot;
or
- (2) Any removal or destruction of any significant tree; or
- (3) When any individual lot grading plan is submitted to the Construction Department for review, the Construction Official with the advice of either a professional Arborist as defined herein, hired by the property owner or developer or the Consulting Municipal Arborist shall determine whether a tree removal permit is required.

B. The Construction Official shall deny the permit if the application does not comply with this ordinance.

C. Permit Application. Applications for a permit shall be made to the Construction Official on forms provided for this purpose and shall contain the following information:

- (1) The name and address of the owner of the property from which the trees are to be removed.
- (2) The name and address of the Applicant. Where the applicant is not the property owner, written consent of the property owner is required.
- (3) A plan of the property that shall contain the following information:
 - (a) An indication of all trees to be removed, specifically by an assigned number, the species and circumference of each tree with a circumference of nineteen (19) inches or over.
 - (b) An indication of all trees to remain and proposed replacement trees, if any, including their size and species specifically by an assigned number.

(c) Tree or trees to be removed shall be indicated on site with an orange flagging tape.

(d) Any other information which may reasonably be required to enable the application to be properly evaluated including, but not limited to, a description of the purpose for which this application is to be made; e.g. scenic improvements, hardship, danger to adjacent properties, removal of diseased or damaged trees, transplanting or removal in a growing condition to other locations, installation of utilities, drainage of surface water, or other pertinent information.

D. Additional Requirements for Construction Projects.

(1) Where the removal of a significant tree, and/or more than 50% of the standing non-borough trees on a lot (as defined in Section 178-2 hereof) is proposed for the construction of any building, driveway, recreation area or any structure for which a building permit is required, no building permit shall be issued until the Applicant has obtained a tree permit required under this Chapter.

(2) The plan of the property submitted with the permit application shall indicate the construction disturbance line.

(3) The plan shall indicate any or all trenches for underground public utilities.

(4) During construction the tree protection measures set forth in Appendix A shall be complied with.

E. Applications for Development

(1) All applications to the Planning Board or Board of Adjustment for development under the Madison Land Development Ordinance, shall contain a tree removal permit plan which, at the option of the applicant, shall:

(a) be prepared by a professional Arborist; or

(b) be prepared by the Consulting Municipal Arborist (at the applicant's cost) upon filing of the Tree Removal Permit Application with the filing fee required pursuant to section 178-6(I);

(2) The Planning Board or Board of Adjustment at their discretion may obtain the advice of the Consulting Municipal Arborist on any application, even where the applicant had the plan prepared by a professional Arborist.]

(3) The tree removal permit plan shall be a completeness item on the checklists for variances, minor and major subdivisions and site plan applications.

(4) The professional Arborist or the Consulting Municipal Arborist shall review said plan and the development plans and provide a written report to the appropriate Board and the Construction Official as to whether a tree removal permit should be granted by the Construction Official in connection with the application. The Consulting Municipal Arborist shall be considered a professional whose charges shall be paid from the Technical Review escrow for each application pursuant to section 195 -12 (B) of the Madison Land Development Ordinance.

F. Other Permit Considerations.

(1) All reasonable efforts shall be made to preserve Landmark Trees and Significant Trees including, but not limited to, relocation of planned and/or proposed infrastructure, driveways, and buildings. Removal of Landmark Trees shall require the specific written recommendation of the Consulting Municipal Arborist and approval of the Shade Tree Management Board. Removal of Significant Trees shall require the specific written recommendation of the Consulting Municipal Arborist.

(2) The Construction Official, upon the advice of the Consulting Municipal Arborist, may require a tree to be removed if the safety or health of the tree is so compromised that its survival is unlikely.

(3) The Construction Official shall deny any permit inconsistent with this Ordinance.

F. Exemptions from Ordinance.

(1) A permit is not required for removal of any Borough tree directed to be removed by the Borough of Madison.

(2) A permit is not required for any tree or trees certified in writing by the Consulting Municipal Arborist to be dead, dying, hazardous, storm damaged and /or infested.

(3) A permit is not required for any tree or trees directed to be removed by the State of New Jersey.

G. Standards.

(1) Upon receipt of a permit application for removal of trees that require a permit pursuant to this Chapter, the Construction Official and/or his/her designee, shall inspect the site on which are located the tree or trees sought to be cut or removed. The Construction Official, with the written advice of the applicant's professional Arborist or the Consulting Municipal Arborist, as the case may be, shall consider the following factors, among others, in deciding whether to issue such permit:

(a) Whether the proposed cutting or removal would impair the growth and development of the remaining trees on the applicant's property or adjacent property.

(b) Whether the proposed cutting or removal would change existing drainage patterns, and/or allow soil erosion or increase dust.

(c) Whether the proposed removal would constitute a horticulturally advantageous thinning of an existing overgrown area.

(d) Whether the area where such tree or trees are located will be occupied by a building or structure, a driveway or recreation area, a roadway, a drainage right-of-way, or a sewer line, or whether such area is within twelve (12') feet of any of the foregoing.

(e) Whether existing conditions or proposed changes in the topography of the area where such tree or trees are located have depressed land configuration or fill of land which shall be deemed injurious to the trees or other trees located nearby so as to require welling, construction of an aerification system, or tree removal or replacement.

(f) Whether the presence of the tree or trees is likely to cause hardship or will endanger the public or an adjoining property owner by reason of its being diseased or dead or for some other reason within the intent of this Chapter.

(g) Whether the tree or trees are damaging a structure.

(h) Whether the root system has become invasive to the extent that no other solution remains.

(i) Whether it is a significant tree or a landmark tree as defined in Shade Tree Management Board Ordinance, Chapter 45 of the Madison Borough Code.

(j) Where the location of the tree interferes with the enjoyment of an outdoor pool.

H. Conflicts with Other Laws. Notwithstanding anything in this chapter to the contrary, no tree removal shall be permitted where prohibited by any other municipal, state or federal statute, ordinance or regulation.

I. Fees.

(1) With the application for a tree removal permit, the Applicant shall pay the Borough a fee as set annually by Resolution of the Governing Body. The initial application fee, to remain in effect until changed by the Governing Body resolution is \$25.00.

(2) The Construction Official shall waive the permit application fee if the tree or trees to be removed are determined by the Consulting Municipal Arborist to be dead, dying, hazardous, storm damaged, infested and/or directed to be removed by the State of New Jersey.

J. Scheduling Requirements.

(1) The Construction Official or his or her designee shall respond to the Applicant

within fifteen (15) business days of the permit application being filed.

(2) The Applicant must notify the Construction Official when the following events have taken place:

- (a) Trees to be removed have been flagged.
- (b) All tree removals are completed.
- (c) For construction projects:
 - (i) If existing trees are within the construction zone, after required tree protection measures have been installed.
 - (ii) If demolition, after demolition, prior to start of construction.
 - a) If excavation of building structures, after excavation, prior to construction.
 - b) If trenching is required, after mark-out of all trenches.
 - c) Final grade is established.

K. Permit Time Limit. All tree removal permits shall be limited to one (1) year from date of issuance. If the approved tree removal has not occurred within one (1) year, a new permit must be applied for and is subject to the payment of new fees. If, however, the Applicant diligently pursues other governmental approval, or if approved development is ongoing, the permit may be renewed for up to one year.

§178-7. [Intentionally left blank]

§178-8. Tree Replacement Fund Established. A Tree Replacement Fund shall be established by the Borough to receive replacement tree contributions. The purpose of said fund is to pay the cost of replacement of trees by the Borough of Madison. Appropriations from the Tree Replacement Fund shall be authorized by the Governing Body.

§178-9. Replacement Trees.

A. For each tree removed, one (1) tree of 3-3 ½" diameter shall be replaced. All replacement trees shall be planted on site. However, if the site in question cannot physically accommodate the total amount of replacement trees, then the Applicant shall contribute an amount equal to the calculated monetary value of unreplaced trees to the Tree Replacement Fund.

Note: Tree Replacement dollar amounts will be proposed by the STMB and approved annually by resolution of the Borough Council of Madison. Until changed by Resolution of the Borough Council the tree replacement fee shall be \$500.00 per tree.

B. Replacement trees, or approved equivalent, shall be trees approved by the Construction Official with the advice of the Consulting Municipal Arborist:

C. Hardwood trees removed shall be replaced with new hardwood trees.

§178-10. Criteria for Tree Removal Without Replacement Trees. Tree removals, which meet the following criteria, are exempt from tree replacement restrictions or payment into the Tree Replacement Fund.

A. Any tree removed from an area of property to be dedicated as public improvement, e.g. drainage facilities and public roadways, shall be exempt from the replacement provisions of this chapter, except that where private roadways, parking areas or open space are proposed, all trees are subject to replacement in accordance with this chapter.

B. The Construction Official, with the advice the Consulting Municipal Arborist, shall approve the removal of a tree, except a Landmark Tree, without requiring replacement trees or payment into the Tree Replacement Fund, if the following criteria apply:

(1) The tree is located on a parcel for which preliminary or final subdivision or site plan approval was obtained prior to the adoption of the Ordinance and it cannot be relocated on the site because of its age, type or size; or

(2) The tree is dead, diseased, damaged, injured, in danger of falling, interferes with existing utility service, creates an unsafe condition, or its continued presence conflicts with any other Ordinances or regulations, or has been directed to be removed by the State of New Jersey.

C. No Landmark Tree shall be removed, unless the Municipal Arborist has obtained the approval of the Shade Tree Management Board.

§178-11. Enforcement. The requirements of this Chapter shall be enforced by the Construction Official, who shall inspect or require adequate inspection of all sites upon which there is an application for tree removal. The Construction Official shall oversee all applicable tree removal or destruction and soil removal incidental thereto. Upon ascertaining a violation of this chapter, the Construction Official shall issue a notice of violation to be heard in the Municipal Court as provided in this Article. In addition to other remedies, the zoning officer, construction official, or other proper municipal official, may institute a stop work order or pursue any appropriate legal action to prevent a continuing violation of the terms of this chapter.

§178-12. Violations and Penalties. Any person, violating or causing to be violated any of the provision of this chapter, shall be subject to a fine of not less than \$100 and not more than \$2,000 and shall replace each tree destroyed or removed in violation of this Article in accordance with the tree replacement provision of this chapter. Each tree destroyed or removed in violation of this Chapter shall be considered a separate offense.

§178-13. Appeals. Any applicant or permit holder or any person otherwise aggrieved under this chapter, may appeal to the Governing Body any decision of the Construction Official under this Chapter by filing written notice with the Borough Clerk within ten (10) days of said decision. The Governing Body shall act upon the same no later than thirty (30) days after the notice has been filed, unless the applicant requests, and the Governing Body consents to extend the time for such action. If the Governing Body fails to act within thirty (30) days after the notice has been filed, the decision of the Construction Official shall be deemed affirmed.

SECTION 2: SEVERABILITY. If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 3: EFFECTIVE DATE. This chapter shall take effect as provided by law.

Appendix A

Tree Protection During Construction. All trees to be preserved are to be protected during construction using the following criteria:

A. The limit of protection shall be the dripline unless otherwise approved by the Construction Official with the advice of the Consulting Municipal Arborist.

B. Tree protection barriers shall be installed by the Applicant and approved by the Construction Official before a permit is issued and shall remain and be maintained until all construction and grading are completed and final inspection has taken place.

C. The protective barriers shall be independently supported fencing firmly secured and not supported by any trees and shall be a minimum of three (3) feet high.

D. In the tree protection areas, it shall be prohibited to:

(1) Store any building material.

(2) Store any fill of soil.

(3) Store or park any equipment.

(4) Use as a work area.

(5) Attach any signs, wires, or other attachments to any tree.

(6) Exception: Tree removal equipment is permitted, but only during operations for tree removal.

E. The provisions of section 195-44 et. seq. of the Borough Code, Soil Erosion and Sediment Control, shall be adhered to where applicable.

Mr. Elias moved to withdraw Ordinance 9-2008. Dr. Esposito seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 9-2008 withdrawn.

Statement of Borough Clerk:

Ordinances 31-2008 through 41-2008 were introduced by title and passed on first reading at a Regular Meeting of the Council held April 28, 2008; all were published in the Madison Eagle and copies made available to members of the public.

ORDINANCE 31-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO PURCHASE A NEW REPLACEMENT ANTENNA FOR THE RADIO AT MIDWOOD TANK

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund to purchase a new replacement antenna for the radio at Midwood Tank; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the General Capital Improvement Fund to purchase a new replacement antenna for the radio at Midwood Tank; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$10,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase a new replacement antenna for the radio at Midwood Tank.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 31-2008, which the Borough Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 31-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 32-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$20,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND TO PURCHASE PORTABLE GENERATORS AND ACCESSORIES

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$20,000.00 from the Water Capital Improvement Fund to purchase portable generators and accessories; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$20,000.00 from the Water Capital Improvement Fund to purchase portable generators and accessories; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$20,000.00 is hereby appropriated from the Water Capital Improvement Fund to purchase portable generators and accessories.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 32-2008, which the Borough Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 32-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 33-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$20,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A WATER LEAK DETECTOR FOR USE BY THE WATER DEPARTMENT

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$20,000.00 from the Water Capital Improvement Fund to purchase a Water Leak Detector for the Water Department; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$20,000.00 from the Water Capital Improvement Fund to purchase a Water Leak Detector for the Water Department; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$20,000.00 is hereby appropriated from the Water Capital Improvement Fund to purchase a Water Leak Detector for the Water Department.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 33-2008, which the Borough Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 33-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 34-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$15,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE RESURFACING IMPROVEMENTS TO THE DODGE FIELD AND LUCY D. ANTHONY BASKETBALL COURTS

WHEREAS, the Recreation Director has recommended that the Borough appropriate \$15,000.00 from the General Capital Improvement Fund for resurfacing improvements to the Dodge Field and Lucy D. Anthony basketball courts; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$15,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$15,000.00 from the General Capital Improvement Fund for resurfacing improvements to the Dodge Field and Lucy D. Anthony basketball courts; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$15,000.00 is hereby appropriated from the General Capital Improvement Fund for resurfacing improvements to the Dodge Field and Lucy D. Anthony basketball courts.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 34-2008, which the Borough Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 34-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 35-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$30,000.00 FROM FIRE DEPARTMENT TRUST ACCOUNT FOR PURCHASE OF FIRE DEPARTMENT VEHICLE

WHEREAS, the Fire Chief has recommended that the Borough appropriate \$30,000.00 from the Fire Department Trust Account to purchase a replacement vehicle for the Fire Department; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Fire Department Trust Account in an amount not to exceed \$30,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$30,000.00 from the Fire Department Trust Account to purchase a replacement vehicle for the Fire Department; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$30,000.00 is hereby appropriated from the Fire Department Trust Account to purchase a replacement vehicle for the Fire Department.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 35-2008, which the Borough Clerk read by title, be finally adopted. Mr. Conley seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 35-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 36-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$60,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF NEW STYLE PENNGLOBE VICTORIAN FIXTURES FOR THE COMMERCIAL DISTRICT

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$60,000.00 from the Electric Capital Improvement Fund to purchase new style Pennglobe Victorian fixtures for the commercial district; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$60,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$60,000.00 from the Electric Capital Improvement Fund to purchase new style Pennglobe Victorian fixtures for the commercial district; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$60,000.00 is hereby appropriated from the Electric Capital Improvement Fund to purchase new style Pennglobe Victorian fixtures for the commercial district.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 36-2008, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 36-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 37-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$300,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE RECONSTRUCTION OF THE UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM AT THE MADISON COMMONS

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$300,000.00 from the Electric Capital Improvement Fund for the reconstruction of the underground electric distribution system at the Madison Commons; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$300,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$300,000.00 from the Electric Capital Improvement Fund for the reconstruction of the underground electric distribution system at the Madison Commons; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$300,000.00 is hereby appropriated from the General Capital Improvement Fund for the reconstruction of the underground electric distribution system at the Madison Commons.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 37-2008, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 37-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 38-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,000.00 FROM THE ELECTRIC CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A COVERED TRAILER AND ACCESSORIES TO BE USED FOR ALL UNDERGROUND DISTRIBUTION EQUIPMENT

WHEREAS, the Electric Utility Superintendent has recommended that the Borough appropriate \$10,000.00 from the Electric Capital Improvement Fund to purchase a covered trailer and accessories for all underground distribution equipment; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Electric Capital Improvement Fund in an amount not to exceed \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the Electric Capital Improvement Fund to purchase a covered trailer and accessories for all underground distribution equipment; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$10,000.00 is hereby appropriated from the Electric Capital Improvement Fund to purchase a covered trailer and accessories for all underground distribution equipment.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 38-2008, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 38-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 39-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$300,000.00 FROM THE WATER UTILITY CAPITAL FUND BALANCE ACCOUNT AND \$520,000.00 FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND ACCOUNT FOR A TOTAL OF \$820,000.00 FOR WATER MAIN REPLACEMENT PROJECTS COVERING THE MAIN REPLACEMENT OF MUNICIPAL ROADS INCLUDING POMEROY, BROOKLAKE, PINE TREE, DURWOOD, FLETCHER AND A PORTION OF NILES AVENUE

WHEREAS, the Borough Engineer has recommended that the Borough appropriate a total of \$820,000.00 from the Water Utility Capital Funds for water main replacement on municipal roads including Pomeroy Road, Brooklake Road, Pine Tree Terrace, Durwood Place, Fletcher Place and a portion of Niles Ave; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Utility Capital Improvement Fund and Water Utility Capital Fund Balance accounts in a total amount not to exceed \$820,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$820,000.00 from the Water Utility Capital Improvement Fund and Water Utility Capital Fund Balance accounts for water main replacement on municipal roads including Pomeroy Road, Brooklake Road, Pine Tree Terrace, Durwood Place, Fletcher Place and a portion of Niles Ave; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$300,000.00 is hereby appropriated from the Water Utility Capital Fund Balance Account for water main replacement on municipal roads including Pomeroy Road, Brooklake Road, Pine Tree Terrace, Durwood Place, Fletcher Place and a portion of Niles Ave.

SECTION 2: The amount of \$520,000.00 is hereby appropriated from the Water Utility Capital Improvement Fund Account for water main replacement on municipal roads including Pomeroy Road, Brooklake Road, Pine Tree Terrace, Durwood Place, Fletcher Place and a portion of Niles Ave.

SECTION 3: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 4: This Ordinance shall take effect as provided by law.

Mayor Holden opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 39-2008, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 39-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 40-2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 47-2007 TO INCREASE THE APPROPRIATION BY \$47,000.00 FROM \$590,000.00 TO \$637,000.00 FROM THE RESERVE FOR WATER FILTRATION ACCOUNT IN THE WATER UTILITY CAPITAL FUND TO ACCOMMODATE THE CONTRACT AWARDED TO OMLAND ENGINEERING

WHEREAS, Ordinance 47-2007 of the Borough of Madison appropriated \$590,000.00 from the Reserve for Water Filtration Account in the Water Utility Capital Fund for water main replacement of municipal roads including Myrtle Avenue, South Street, Dellwood Parkway South, Woodcliff Drive and Dean Street; and

WHEREAS, the Borough Engineer has recommended that the Borough amend Ordinance 47-2007 to appropriate an additional \$47,000.00 from the Reserve for Water Filtration Account in the Water Utility Capital Fund thereby increasing Ordinance 47-2007 to \$637,000.00 to accommodate the contract awarded to Omland Engineering by Resolution 116-2008; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Reserve for Water Filtration Account in the Water Utility Capital Fund in an amount not to exceed \$47,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should amend Ordinance 47-2007 to appropriate an additional \$47,000.00 from the Reserve for Water Filtration Account in the Water Utility Capital Fund thereby increasing Ordinance 47-2007 to \$637,000.00 to accommodate the contract awarded to Omland Engineering by Resolution 116-2008.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: Ordinance 47-2007 is amended to appropriate an additional \$47,000.00 from the Reserve for Water Filtration Account in the Water Utility Capital Fund thereby increasing Ordinance 47-2007 to \$637,000.00 to accommodate the contract awarded to Omland Engineering by Resolution 116-2008.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Conley moved that Ordinance 40-2008, which the Borough Clerk read by title, be finally adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 40-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 41-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$31,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO PURCHASE WINDOW REPLACEMENTS AND A NEW GENERATOR FOR THE CIVIC CENTER

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$31,000.00 from the General Capital Improvement Fund to purchase window replacements and a new generator for the Civic Center; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$31,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$31,000.00 from the General Capital Improvement Fund to purchase window replacements and a new generator for the Civic Center.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$31,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase window replacements and a new generator for the Civic Center.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened the hearing on the above ordinance and asked if anyone wished to be heard. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Elias moved that Ordinance 41-2008, which the Borough Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Mayor Holden declared Ordinance 41-2008 adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

Introduction of Ordinances

The Borough Clerk stated that ordinances scheduled for first reading will have a hearing date set for Wednesday, May 28, 2008, will be published in the Madison Eagle and made available to members of the public requesting copies.

Mayor Holden called up ordinances for first reading and asked the Borough Clerk to read said ordinances by title. It was noted that Ordinance 42-2008 was withdrawn.

Withdrawn:

~~ORDINANCE 42-2008~~

~~AN ORDINANCE OF THE GOVERNING BODY OF THE BOROUGH OF MADISON AMENDING THE CODE OF THE BOROUGH OF MADISON TO ADD A NEW CHAPTER 178 ENTITLED "TREE PROTECTION"~~

ORDINANCE 43 - 2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 5-2008 SETTING SALARY RANGES FOR NON-UNION FULL-TIME EMPLOYEES TO INCLUDE SALARY RANGE FOR JOINT MUNICIPAL TAX ASSESSOR

WHEREAS, the Borough Council has determined to amend Ordinance 5-2008 setting salary ranges for non-union full-time employees to include salary range for Joint Municipal Tax Assessor in accordance with a shared-services agreement between the Borough of Madison and the Township of Millburn authorized by R 118-2008.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, County of Morris, State of New Jersey, as follows:

Section 1. Ordinance 5-2008 setting the salary ranges for non-union full-time employees is hereby amended to include the following salary range in accordance with a shared-services agreement between the Borough of Madison and the Township of Millburn:

TITLE	MINIMUM	MARKET VALUE	MAXIMUM
Joint Municipal Tax Assessor	\$76,893.00	\$90,462.00	\$104,031.00

Section 2. This ordinance shall take effect as provided by law.

Ms. Baillie moved that Ordinance 43-2008, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

ORDINANCE 44-2008

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$12,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND ACCOUNT CONTAINED WITHIN THE GENERAL CAPITAL FUND FOR SCANNING MACHINE TO DIAGNOSE BOROUGH VEHICLE MECHANICAL PROBLEMS

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$12,000.00 from the General Capital Improvement Fund Account contained within the General Capital Fund to purchase a modular diagnostic scanner and Motor/All data information system; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund Account contained within the General Capital Fund in an amount not to exceed \$12,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$12,000.00 from the General Capital Improvement Fund Account contained within the General Capital Fund to purchase a modular diagnostic scanner and Motor/All data information system; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$12,000.00 is hereby appropriated from the General Capital Improvement Fund Account contained within the General Capital Fund to purchase a modular diagnostic scanner and Motor/All data information system.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mr. Elias moved that Ordinance 44-2008, which the Borough Clerk read by title, be adopted. Dr. Esposito seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Consent Agenda Resolutions

The Clerk made the following statement:

Consent Agenda Resolutions will be enacted with a single motion; any Resolution requiring expenditure is supported by a Certification of Availability of Funds; any Resolution requiring discussion will be removed from the Consent Agenda; all Resolutions will be reflected in full in the minutes. Resolution R 139-2008 was removed from the Consent Agenda.

Mr. Conley moved adoption of the Resolutions listed on the Consent Agenda. Mrs. Vitale seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

R 134 - 2008

RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY COVENANT HOUSE AUXILIARY OF MORRIS COUNTY

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following application for Raffles License, to be held as listed below, be and the same is hereby approved:

COVENANT HOUSE AUXILIARY OF MORRIS COUNTY

I.D. No. 274-4-36780

R.A. No. 1081 – On Premise

October 25, 2008

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Legalized Games of Chance Control Commission.

R 135-2008

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT AND PAYMENT IN THE AMOUNT OF \$51,790.25 TO TELSTAR PLUS, INC FOR PURCHASE AND INSTALLATION OF NEW TELEPHONES AND SUPPORTING SYSTEM IN THE PUBLIC SAFETY BUILDING FOR THE POLICE AND FIRE DEPARTMENTS ON AN EMERGENCY BASIS

-

WHEREAS, the Borough Administrator has advised the Council that purchase and installation of new telephones and supporting system for the Fire and Police Building is required on an emergency basis in order to protect the health and welfare of the public; and

WHEREAS, the purchase is required due to the failure of the Borough's prior contractor to deliver new telephones; and

WHEREAS, the Borough will expend \$51,790.25 for purchase and installation of new telephones and supporting system for the Fire and Police Building on an emergency basis, pursuant to N.J.S.A 40A:11-6, and

WHEREAS, the Network Administrator will engage the services of Telstar Plus, Inc. to perform the emergency work; and

WHEREAS, the Borough Administrator has requested that the Borough authorize a contract and payment to Telstar Plus, Inc. in the amount of \$51,790.25 for such purchase and work which payment is authorized pursuant to N.J.S.A 40A:11-6(b); and

WHEREAS, the Borough Council has determined to authorize payment in the amount of \$51,790.25 for the emergency purchase and emergency services performed; and

WHEREAS, the Director of Finance has attested that funds are available in the amount of \$51,790.25 for this purpose, which funds were appropriated by Ordinance 42-2005.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a contract and payment in the amount of \$51,790.25 is authorized to be made to Telstar Plus, Inc. for the emergency purchase and emergency services it will perform as described herein.

R 136-2008

RESOLUTION OF THE BOROUGH OF MADISON AWARING CONTRACT TO JOHNSTON COMMUNICATIONS VOICE & DATA IN THE AMOUNT OF \$25,476.00 UNDER STATE CONTRACT #42287

WHEREAS, the Borough of Madison desires to purchase telco/data cabling infrastructure from an authorized vendor under State Contract #42287; and

WHEREAS, the purchase of goods and services through State agency by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, *et seq*; and

WHEREAS, Johnston Communications Voice & Data, 322 Belleville Tpke., North Arlington, New Jersey has been awarded New Jersey State contract number 42287; and

WHEREAS, the Network Administrator has recommended that the Borough Council utilize this contract for telco/data cabling infrastructure in the amount of \$25,476.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$25,476.00 for this purpose, which funds were appropriated by Ordinance 42-2005.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. The purchase of telco/data cabling infrastructure from Johnston Communications Voice & Data, at a total price not to exceed \$25,476.00 is hereby approved under the New Jersey State contract number 42287.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Johnston Communications Voice & Data for the purchase of telco/data cabling infrastructure at a total price not to exceed \$25,476.00, in a form acceptable to the Borough Attorney.

R 137-2008

RESOLUTION OF THE MADISON BOROUGH COUNCIL AWARING CONTRACT FOR 2008 WATER MAIN REPLACEMENT FOR POMEROY ROAD AND BROOKLAKE ROAD TO MATINA & SON, INC. OF HACKENSACK IN THE AMOUNT OF \$590,000.00 AND AUTHORIZING REBID OF THE ALTERNATE BID FOR PINE TREE TERRACE, DURWOOD PLACE, FLETCHER PLACE AND NILES AVENUE

WHEREAS, the Borough of Madison publicly advertised for bids for 2008 Water Main Replacement projects (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq*.; and

WHEREAS, the bid specifications provided for a base bid for Pomeroy Road and Brooklake Road ("Base Bid") and an alternate bid for Pine Tree Terrace, Durwood Place, Fletcher Place and Niles Avenue ("Alternate Bid"); and

WHEREAS, the lowest qualified bid for the Base Bid was submitted by Matina & Son, Inc., of Hackensack, New Jersey in the amount of \$590,000.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the contract for the Base Bid to Matina & Son, Inc., in the amount of \$590,000.00; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$590,000.00 for this purpose upon final adoption of Ordinance 39-2008; and

WHEREAS, all bids for the Alternate Bid substantially exceed the cost estimates for the project; and

WHEREAS, the Borough Engineer has recommended that all bids received for the Alternate Bid be rejected, pursuant to N.J.S.A. 40A:11-13.2(a), and the project be rebid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. Upon final adoption of Ordinance 39-2008, the contract for water main replacement for Pomeroy Road and Brooklake Road is hereby awarded to Matina & Son, Inc. based upon its bid in the amount of \$590,000.00.
2. Upon final adoption of Ordinance 39-2008, The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Matina & Son, Inc., in a form acceptable to the Borough Attorney.
3. All bids received for the Alternate Bid for water main replacement for Pine Tree Terrace, Durwood Place, Fletcher Place and Niles Avenue are hereby rejected for the reasons set forth herein and the Borough Administrator is authorized to solicit new bids.

R 138-2008

RESOLUTION OF THE BOROUGH OF MADISON AWARDDING 2-YEAR CONTRACT FOR ELECTRIC LINE CLEARANCE TO NELSON TREE SERVICE INC OF DAYTON, OH IN THE AMOUNT NOT TO EXCEED \$65,755.20 PER YEAR AT THE RATE OF \$117.42 BEGINNING JUNE 2008 AND JUNE 2009 FOR APPROXIMATELY 12 TO 14 WEEKS

WHEREAS, the Borough of Madison publicly advertised for bids for electric line clearance for 2008 and 2009 (the "Contract") in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, Nelson Tree Service, Inc., submitted the only bid in the amount of \$117.42 per hour for approximately 12 to 14 weeks beginning June 2008 and June 2009; and

WHEREAS, the Electric Utility Superintendent has recommended that the Contract be awarded to Nelson Tree Service, Inc., in the amount of \$117.42 per hour, not to exceed a total cost of \$65,755.20 per year; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$117.42 per hour for 14 weeks, for a total cost not to exceed \$65,755.20 per year for this purpose from the Electric Department Operating Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. The contract for electric line clearance for 2008 and 2009 is hereby awarded to Nelson Tree Service, Inc., based upon its bid in the amount of \$117.42 per hour, not to exceed a total cost of \$65,755.20 per year.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into the contract with Nelson Tree Service, Inc., in a form acceptable to the Borough Attorney.

Removed from Agenda and the # retired:

~~R 139-2008~~

~~RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE FRIENDS OF THE MADISON PUBLIC LIBRARY IN COOPERATION WITH THE MADISON ROTARY CLUB AND THE MADISON YMCA TO HOLD TOUGH A TRUCK FUNDRAISER ON SATURDAY, AUGUST 2, 2008~~

R 140 - 2008

RESOLUTION OF THE BOROUGH OF MADISON APPROVING TRANSFER OF 2008 TAXI OWNER'S LICENSES FOR E PLUS TRANSPORTATION INC.

WHEREAS, any license issued for any taxicab or livery may be transferred to a substitute vehicle in accordance with the provisions of Chapter 173-7 of the Borough of Madison Code after approval of the Council and upon the payment to the Borough of a transfer fee of \$10.00 for each vehicle for which the license is to be transferred; and,

WHEREAS, prior to the approval or disapproval by the Council of the transfer of the license to permit the operation of such substituted vehicle, the

owner may operate such substituted vehicle or cause the same to be operated, subject to the other provisions of Chapter 173-7; and

WHEREAS, E Plus Transportation Inc. has made application to transfer Taxi Owner's Licenses Nos. 27 and 31 to substituted vehicles and, at the same time, has provided proof of insurance and paid the appropriate transfer fees;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, to approve the license transfer requests from E Plus Transportation Inc.

Unfinished Business - None

APPROVAL OF VOUCHERS

On motion by Mr. Conley, seconded by Mrs. Vitale and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Public Safety \$10,125.99

Health & Public Assistance 2,194.46

Public Works & Engineering 214,414.31

Community Affairs 2,941.02

Finance & Borough Clerk 10,118,921.64

Utilities 50,565.50

Total \$10,399,162.92

The following roll call vote was recorded approving the aforementioned vouchers:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

New Business

Mayor Holden announced the following appointments and requested Council confirmation:

Ad Hoc Hartley Dodge Memorial Space Utilization Committee

Astri Baillie, John Elias and Robert Conley

It was noted that Architect Bob Russell is the driving force of this Committee.

Mrs. Vitale moved approval of the foregoing appointments. Mr. Elias seconded the motion, which passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mrs. Vitale, Mr. Elias

Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: None

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:35 p.m. by unanimous voice vote.

Respectfully submitted,

Marilyn Schaefer

Borough Clerk

Approved May 28, 2008 (MS)